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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,062	07/03/2003	Jack E. Caveney	LCB398	6643
32915	7590	06/22/2004	EXAMINER	
			SAKRAN, VICTOR N	
		ART UNIT		PAPER NUMBER
				3677

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/613,062	CAVENEY, JACK E.
	Examiner VICTOR N SAKRAN	Art Unit 3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 July 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-19 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                                           |                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                           | Paper No(s)/Mail Date: _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/3/03 &amp; 11/7/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                                                           | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

**The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

**(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.**

**The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:**

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1-3, 5-9, 11-16, 18 and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Conlon et al U. S. Patent No. 4,366,602 (cited by Applicant) in view of O'Keefe U. S. Patent No. 5,165,146 and Chen U. S. Patent No. 6,594,869.**

Conlon discloses Applicant's claimed combination of a cable tie comprising an elongated metallic strap (26) having a first end and a second end, a metallic locking head ((24) secured to one end of said strap for receiving the other end of said strap, said head comprising a strap entry face (36), strap exit face (38) and a strap receiving aperture (40), said locking head further comprising a roof and a floor which diverge in the direction of the exit face defining a cavity therein for receiving a metallic roller (ball) (28) for lockingly engaging the strap and a retention means finger (46) for captively holding the roller within said locking head (24), wherein said roller is adapted to move between a threading position when said roller is adjacent the exit face and in a locking position when said roller is closer to the entry face; see Figures 1-8; the abstract; column 2, lines 48-62; and claim 1, except that the locking head of Applicant's cable tie is provided with indentation on each side thereof and the strap comprises two ribs adjacent the head. O'Keefe teaches the use of indentation means (28) formed on the side of body (head) (12) of a clip; see Figures 1-6, column 2, lines 11-15, and claim 1. Chen teaches the use of clamp comprising a strap provided with reinforcing ribs (24) formed adjacent the head of the clamp; see Figures 5A, 6A, 9A; column 2, lines 50-67. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide each side of the locking head in Conlon et al with a indentation means and its strap with reinforcing ribs adjacent its locking head in order to perform the desired function for adding additional strength to its locking head and its strap in the manner taught, disclosed and

suggested by O'Keefe and Chen; especially, since the use of reinforcing means in a cable tie device is conventional, well known in the art and involves only routine skill in the art.

Moreover the particular use of a plurality of indentation means is considered to be no more than a matter of design choice to one having ordinary skill in the art at the time the invention was made.

Furthermore, Applicant is reminded that in considering the disclosure of a reference, it is proper to take into account not only specific teaching of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom; see *In re Preda*, 401 F2d 825, 826, 159 USPQ 342,344 (CCPA1968).

Moreover, the particular location and/or the arrangement selected of an elements is considered to be no more than an obvious matter of design choice to one having ordinary skill within the art, especially, since it has been held that rearranging parts of an invention involves only routine skill in the art. See *In Re Japikse*, 86 USPQ 70.

Claims 4, 10 and 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over the same references as applied to claims 1-3, 5-9, and 11-16, above, and further in view of Lems et al U. S. Patent No. 4,077,313 who teaches the use of a metallic strap which is coated; see Figure 1; column 11, lines 18-23, and to further incorporate such structure in Conlon et al by merely coating its

**metallic strap in the manner taught, disclosed and suggested by Lems at al it would have been obvious to one having ordinary skill in the art at the time the invention was made, especially, since such modification involves only routine skill in the art.**

**The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant's attention is directed to the prior art cited herein, and of record, as showing structure related to Applicant's disclosed invention.**

**Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTOR N SAKRAN whose telephone number is 703-308-2224. The examiner can normally be reached on 6:30 AM - 5:00 PM.**

**If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. swann can be reached on 703-308-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.**

**Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).**

June 10, 2004



VICTOR N SAKRAN  
Primary Examiner  
Art Unit 3677